

1 **IN THE UNITED STATES DISTRICT COURT**
2 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

3
4 EDWARD PEÑA and
5 BRANDON MILLER,
6 *individually and on behalf of*
7 *persons similarly situated,*

8 *Plaintiff,*

9 *v.*

10 INTERNATIONAL MEDICAL
11 DEVICES, INC., MENOVA
12 INTERNATIONAL, INC.,
13 GESIVA MEDICAL, LLC,
14 JAMES J. ELIST, M.D., A
15 MEDICAL CORPORATION,
16 AND DR. JAMES ELIST,

17 *Defendants*

Case No. 2:22-cv-03391-SSS (RAOx)

**[PROPOSED] ORDER GRANTING
MOTION TO COMPEL**

18 Having considered Plaintiffs' Motion to Compel, the briefing in the support
19 of and in opposition thereto, and any argument of counsel, the Court has decided
20 that the motion should be and hereby is GRANTED.

21 The Court finds that

- 22 1. Defendants have failed to produce documents within the time required by
23 Rule 34(b)(2)(A).
24 2. Defendants have failed to produce a privilege log within the time required
25 by the parties' Stipulated Protective Order, (Dkt. 76 at 12–13); and
26 3. Defendants' objections to producing documents that have already been
27 collected and produced in related proceedings are not well taken.

1 It is therefore ORDERED that Defendants shall produce documents
2 responsive to Plaintiffs' First Set of Requests for Production within 30 days.

3 It is further ORDERED that Defendants shall produce a privilege log within
4 30 days.

5 It is further ORDERED that Defendants' objections to Requests for
6 Production Nos. 1–3 to Dr. James Elist, Dr. James J. Elist, M.D., International
7 Medical Devices, Inc., and Menova International, Inc. are OVERRULED.

8 It is further ORDERED that Defendants' objections to Requests for
9 Production Nos. 38–39 to Dr. James Elist and Dr. James J. Elist, M.D. are
10 OVERRULED.

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12 Dated: _____

13 Hon. Rozella A. Oliver
14 U.S. Magistrate Judge
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